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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,502	02/12/2004	Leopoldo Alarcon	39700-601001US/NC39894US	3668
64046 7590 12/18/2009 MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C ONE FINANCIAL CENTER BOSTON, MA 02111				
EXAMINER GONZALEZ, AMANCIO				
ART UNIT 2617		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/776,502

Applicant(s)

ALARCON ET AL.

Examiner

AMANCIO GONZALEZ

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 41-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 and 41-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

Applicant's arguments filed on 07/29/2009 with respect to **claims 1-23 and 41-54** have been fully considered but are moot in view of the new ground or rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. **Claims 1 and 5-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhagwat et al. (US 6651105 B1), hereafter "Bhagwat," in view of de Leung et al. (US 7599370 B1), hereafter "Leung."

Consider **claims 1 and 14**. Bhagwat discloses sending a message including information for identifying a first network access entity from a mobile entity to a second network access entity, wherein the message is configured to enable the second network access entity to direct traffic destined to the first network access entity (**see col. 8 lines**

65-67, col. 9 lines 1-5, col. 10 lines 43-47); and handing over a connection of the mobile entity from the first network access entity to the second network access entity (see col. 5 lines 39-45, and col. 8 lines 64-67, where Bhagwat discusses handoff between access points).

But Bhagwat does not disclose or particularly refer to wherein a global address of the first network access entity is not known to the mobile entity.

Leung, in related art, discloses wherein a global address of the first network access entity is not known to the mobile entity (*global address read on public address - see col. 7 lines 45-50, where Leung discusses enabling a Mobile IP session to be established between a Mobile Node that has roamed to a private network and its Home Agent, wherein the Mobile IP session may be established even though the care-of address is a private address rather than a public address, hence the mobile node not knowing the visited private network or foreign agent public address, since the mobile node communicates from the private network to the outside -public or global network domain- when the assigned private network care-of address is subjected to a Network Address Translator (NAT) traversal -see also col. 3 lines 53-59*).

Therefore, it is obvious that a person of ordinary skill was aware that a global address of a first network access entity not being known to the mobile entity, as taught by Leung, was of common knowledge in the art at the time the invention was made, and would have it included in or applied to the claimed invention, or combined it with Bhagwat's teaching, thereby providing means for the purpose of carrying out, and

maintain in an optimum manner, a Mobile IP session that could be successfully and efficiently established from a Mobile Node via a private IP address without requiring modifications to the Mobile Node or the encapsulation scheme for both the Mobile Node and the Home Agent, as discussed by Leung (**see col. 3 lines 43-49**).

Consider **claims 5-7**. Bhagwat as modified by Leung teaches claims 1 and 14 respectively; and Bhagwat further discloses sending the message before establishing connection between the mobile entity and the first network access entity (see Bhagwat: col. 8 lines 65-67, col. 9 lines 1-5).

Consider **claims 8 and 22**. Bhagwat as modified by Leung teaches claims 1 and 14 respectively; and Gregorio further discloses IP address mapping (see Gregorio: par. 0082).

Consider **claim 9**. Bhagwat as modified by Leung teaches claims 1 and 14 respectively; and Bhagwat further discloses an old network identity associated with the first network access entity (see Bhagwat: col. 10 lines 43-47).

Consider **claims 10, 11, 13, 15, 16, and 18**. Bhagwat as modified by Leung teaches claims 1 and 14 respectively, and Bhagwat further teaches proxy related functions (see Bhagwat: col. 5 lines 12-25).

Consider **claims 19 and 20**. Bhagwat as modified by Leung teaches claim 14; and Leung further discloses checking whether the address is globally routable (see Leung: col. 4 lines 7-16, where Leung discusses that mechanism enables a Foreign

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Agent to encapsulate a registration request packet with the Foreign Agent care-of address in the source IP address field; and when NAT traversal has been performed, the care-of address will not be equal to the source IP address. Similarly, when NAT traversal has not been performed, the care-of address will be equal to the source IP address. Thus, when the care-of address is equal to the source IP address, the Home Agent will recognize that NAT traversal has not been performed and vice versa. In this manner, the Home Agent may accurately recognize when NAT traversal has been performed, thereby enabling optimization functions to be performed by the Home Agent; hence checking whether the address is globally routable).

Consider **claim 21**. Bhagwat as modified by Leung teaches claims 1 and 14 respectively; and Bhagwat further discloses handover functions (see Bhagwat: col. 3 lines 36-40, fig. 8).

Consider **claims 12, 17, and 23**. Bhagwat as modified by Leung teaches claims 1 and 14 respectively; and Bhagwat further discloses identification functions (see Bhagwat: the abstract, col. 11 lines 34-37).

4. **Claims 2-4** are rejected under 35 U.S.C. 103(a) as being unpatentable over Claims 1, 3-23, 41, and 43-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bhagwat et al. (US 6651105 B1), hereafter "Bhagwat," in view of de Leung et al. (US 7599370 B1), hereafter "Leung," as applied to claim 1, further in view of Takusagawa et al. (US 20030225892 A1), hereafter "Takusagawa."

Consider **claims 2 and 4**. Bhagwat as modified by Leung teaches claims 1 and 41 respectively, but does not particularly refer to fast binding update. Takusagawa teaches fast binding update (see pars. 0110, 0111, and 0114).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Bhagwat as modified by Leung and have it include fast binding update, as taught by Takusagawa, thereby providing means for the motivation avoiding packet loss during a fast handoff in a mobile communication system, as discussed by Takusagawa (see pars. 0042-0048).

Consider **claim 3**. Bhagwat as modified by Leung and Takusagawa teaches claim 2; and Leung further discloses checking whether the address is globally routable (see Leung: col. 4 lines 7-16, where Leung discusses that mechanism enables a Foreign Agent to encapsulate a registration request packet with the Foreign Agent care-of address in the source IP address field; and when NAT traversal has been performed, the care-of address will not be equal to the source IP address. Similarly, when NAT traversal has not been performed, the care-of address will be equal to the source IP address. Thus, when the care-of address is equal to the source IP address, the Home Agent will recognize that NAT traversal has not been performed and vice versa. In this manner, the Home Agent may accurately recognize when NAT traversal has been performed, thereby enabling optimization functions to be performed by the Home Agent; hence checking whether the address is globally routable).

5. **Claims 41, and 43-54** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy, III et al. (US 6018657 A), hereafter "Kennedy," in view of de Leung et al. (US 7599370 B1), hereafter "Leung."

Consider **claim 41**. Kennedy discloses an apparatus comprising a processor (gateway MSC [fig. 4, col. 10 lines 15-26]) wherein the processor is configured to process data related to sending a message including information to identify a first network access entity to a second network access entity, which enables the second network access entity to direct traffic to the first network access entity (Originating external device **18** communicates local message to a gateway MSC coupled to originating external device; if the gateway MSC does not service destination messaging unit, the gateway MSC retrieves an identifier for the next MSC of destination messaging unit **14** from its database **34** [col. 10 lines 28-46]).

But Kennedy does not disclose or particularly refer to wherein a global address of the first network access entity is not known to the mobile entity.

Leung, in related art, discloses wherein a global address of the first network access entity is not known to the mobile entity (*global address read on public address - see col. 7 lines 45-50, where Leung discusses enabling a Mobile IP session to be established between a Mobile Node that has roamed to a private network and its Home Agent, wherein the Mobile IP session may be established even though the care-of address is a private address rather than a public address, hence the mobile node not knowing the visited private network or foreign agent public address, since the mobile node communicates from the private network to the*

outside -public or global network domain- when the assigned private network care-of address is subjected to a Network Address Translator (NAT) traversal -see also col. 3 lines 53-59).

Therefore, it is obvious that a person of ordinary skill was aware that a global address of a first network access entity not being known to the mobile entity, as taught by Leung, was of common knowledge in the art at the time the invention was made, and would have it included in or applied to the claimed invention, or combined it with Kennedy's teaching, thereby providing means for the purpose of carrying out, and maintain in an optimum manner, a Mobile IP session that could be successfully and efficiently established from a Mobile Node via a private IP address without requiring modifications to the Mobile Node or the encapsulation scheme for both the Mobile Node and the Home Agent, as discussed by Leung (**see col. 3 lines 43-49**).

Claims 45 and 49-54 disclose the same subject matter as claim 41, therefore same rejection applies.

Consider **claims 43, 44, 46, and 47**. Kennedy as modified by Leung teaches claims 41 and 45; and Kennedy further discloses cellular registrations, call processing, and hand-off procedures (see Kennedy: col. 1 line 12-31).

6. **Claim 42** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy, III et al. (US 6018657 A), hereafter "Kennedy," in view of de Leung et al. (US 7599370 B1), hereafter "Leung," as applied to claim 41, further in view of Takusagawa et al. (US 20030225892 A1), hereafter "Takusagawa."

Consider **claim 42** as amended. Kennedy as modified by Leung teaches claim 41, but does not particularly refer to fast binding update.

Takusagawa, in related art, discloses fast binding update (see pars. 0110, 0111, and 0114).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Kennedy as modified by Leung and have it include fast binding update, as taught by Takusagawa, thereby providing means for the motivation avoiding packet loss during a fast handoff in a mobile communication system, as discussed by Takusagawa (see pars. 0042-0048).

Conclusion

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amancio González, whose telephone number is (571) 270-1106. The Examiner can normally be reached on Monday-Thursday from 8:00am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Dwayne Bost, can be reached at (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

AG/ag

November 22, 2009

/Dwayne D. Bost/
Supervisory Patent Examiner,
Art Unit 2617